

**DURHAM, NORTH CAROLINA
TUESDAY, SEPTEMBER 7, 1999
7:30 P.M.**

The Durham City Council met in regular session on the above date and time in the Council Chamber at City Hall with the following members present: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Absent: None.

Also present: City Manager P. Lamont Ewell, City Attorney Henry Blinder, City Clerk Margaret M. Bowers and Deputy City Clerk D. Ann Gray.

Mayor Tennyson called the meeting to order and at this time, the Mayor asked that the following items be added to the agenda:

SUBJECT: RESOLUTIONS MEMORIALIZING SAM REED AND DR. HUGH LECKY

MOTION by Council Member Larson seconded by Mayor Pro Tempore Clement to add to the agenda Resolutions Memorializing Sam Reed and Dr. Hugh Lecky was approved at 7:31 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent At Time of Vote: Council Member Burnette.

The following announcements were made: Council Member Brown informed the public of her reasons for voting against the motion relative to the moratorium on developments. She stated she was in support of the original motion which would enact a six month moratorium rather than three months. Mayor Pro Tempore Clement announced that the Durham Housing Authority had been awarded a Certificate of Excellence In Management Operations. Council Members Jacobs briefed the council on her recent meeting held by the National League of Cities. Council Member McKissick briefed the council on his recent meeting in Santa Fe held by the American Bar Association regarding Land Use.

Mayor Tennyson read a proclamation proclaiming September 1999 as "Drug and Addiction Recovery Month" in the City of Durham. Also, Council Member McKissick read a Resolution Honoring Peter Skillern.

The Mayor asked for priority items from the City Manager, City Attorney and City Clerk. City Manager Ewell recognized Johnny Ford Director of Parks and Recreation. Mr. Ford requested that the following item be added to the agenda.

SUBJECT: RESOLUTION TO REVITALIZE THE LAND AND WATER CONSERVATION FUND

MOTION by Council Member Larson seconded by Council Member Miller to add to the agenda a Resolution To Revitalize the Land and Water Conservation Fund was approved at 7:46 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent At Time of Vote: Council Member Burnette.

There were no priority items from the City Attorney and City Clerk.

Mayor Tennyson asked if any council member(s) or citizen(s) wanted to pull any item(s) from the Consent Agenda for discussion later in the meeting. Council Member Miller stated that he would be voting no on Consent #6 [Report on Salary By-passing Caused by Salary Structure Adjustments Implemented for Fiscal Year 1999-2000]. Council Member McKissick stated that he would be voting no on Consent #13 [Interim License Agreement with Interpath Communications].

MOTION by Council Member Larson seconded by Council Member Miller to approve the Consent Agenda [with the following exception] Consent Items 6 and 13 was approved at 7:49 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent At Time of Vote: Council Member Burnette.

[CONSENT AGENDA]

SUBJECT: DURHAM HUMAN RELATIONS COMMISSION - APPOINTMENTS

MOTION by Council Member Larson seconded by Council Member Miller to appoint Leslie Gail Dodd and Cathie McIntyre to the Durham Human Relations Commission for terms to expire June 30, 2002 was approved at 7:49 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent At Time of Vote: Council Member Burnette.

SUBJECT: AMENDMENTS TO FISCAL YEAR 1999-2000 TRANSIT PLANNING GRANTS ORDINANCE AND CAPITAL PROJECT ORDINANCE CONCERNING DURHAM COUNTY WATER AND SEWER LINES

MOTION by Council Member Larson seconded by Council Member Miller to adopt "City of Durham Grant Project Ordinance Superseding Ordinance #11762 FY 1999-2000 Transit Planning Grants"; and

To adopt a "Capital Project Ordinance Superseding Ordinance #11750 Concerning Durham County Water and Sewer Lines" was approved at 7:49 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent At Time of Vote: Council Member Burnette.

SUBJECT: PROPOSED TWENTY YEAR JOINT-USE AGREEMENT BETWEEN THE CITY OF DURHAM AND DURHAM PUBLIC SCHOOLS

MOTION by Council Member Larson seconded by Council Member Miller to authorize the City Manager to execute a Lease and Joint-Use Agreement with the Durham Public Schools for use of athletic fields at Riverside and Hillside High Schools; and

To authorize the City Manager to make changes to the lease before executing it if he finds that the changes are consistent with the intent and purpose of the lease as indicated by the attached memorandum; and

To adopt a "City of Durham Capital Project Ordinance School Lighting and Storage Improvements"; and

To find that School Lighting and Storage Improvements are 100% necessitated by new construction and that up to 50% of the capital costs of that project may be paid by impact fees collected within the same service zone and collected for the same purpose was approved at 7:49 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent At Time of Vote: Council Member Burnette.

SUBJECT: PROPOSED LAND LEASE BETWEEN THE CITY OF DURHAM AND SOUTHEAST FOOD SYSTEMS, INC. FOR PROPERTY LOCATED AT 501 FOSTER STREET

MOTION by Council Member Larson seconded by Council Member Miller to approve the land lease between the City of Durham and Southeast Food Systems for the property located at 501 Foster Street and to authorize the City Manager to execute any implementing documentation was approved at 7:49 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent At Time of Vote: Council Member Burnette.

SUBJECT: REQUEST TO AUTHORIZE AMENDING THE EXISTING LETTER OF

**AGREEMENT WITH ARNOLD & PORTER TO INCLUDE CONSULTING
SERVICES FOR AN INSTITUTIONAL NETWORK**

MOTION by Council Member Larson seconded by Council Member Miller to authorize the City Manager to amend the Letter of Agreement with Arnold & Porter to include consulting services for an institutional network and to increase the amount of the Agreement by \$16,000 was approved at 7:49 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent At Time of Vote: Council Member Burnette.

**SUBJECT: REPORT ON SALARY BY-PASSING CAUSED BY SALARY STRUCTURE
ADJUSTMENTS IMPLEMENTED FOR FISCAL YEAR 1999-2000**

MOTION by Council Member Larson seconded by Council Member Miller to receive a report from the Administration concerning salary by-passing caused by salary structure adjustments implemented for FY 1999-2000 and to approve [Option 4, as outlined on page 6] as the recommendation was approved at 7:51 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Cox, Engelhard, Griffin, Jacobs, Langley, and Larson, McKissick. Noes: Council Member Miller. Absent At Time of Vote: Council Member Burnette.

**SUBJECT: AMENDMENT TO FINAL APPROVAL AND LOAN AGREEMENT FOR
UNDERWOOD SQUARE APARTMENTS**

MOTION by Council Member Larson seconded by Council Member Miller to authorize a change in the mix on the Underwood Apartment project to reflect the HOME funds the City has approved for investment in the project; and

To authorize the City Manager to execute legal documents that reflect this change in unit mix and to authorize changes to the legal documents that would not adversely impact the City's position or security interest in the Underwood Square Apartments was approved at 7:49 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent At Time of Vote: Council Member Burnette.

**SUBJECT: RALEIGH-DURHAM AIRPORT AUTHORITY - FEDERAL AVIATION
ADMINISTRATION GRANT OFFER, RDU PROJECT NUMBER 080332,
FAA AIP GRANT NUMBER 3-37-0056-23**

MOTION by Council Member Larson seconded by Council Member Miller

to authorize the acceptance of a grant offer in the amount of \$3,061,671 for North Ramp General Aviation Area Redevelopment, Phase II; and

To authorize the City Manager to execute the Grant Agreement in its final form providing it is consistent with the intent as expressed in the attached letter and to authorize the City Attorney to give assurances with respect thereto was approved at 7:49 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent At Time of Vote: Council Member Burnette.

**SUBJECT: CONSTRUCTION AND DEMOLITION (C&D) DISPOSAL FACILITY
SITING - INTERSECTION OF GUESS ROAD AND NEW SHARON CHURCH
ROAD**

MOTION by Council Member Larson seconded by Council Member Miller to receive a report concerning the proposed siting for a C&D facility near the intersection of Guess Road and New Sharon Church Road by the Orange County Board of Commissioners and the governing boards of the Towns of Carrboro and Chapel Hill was approved at 7:49 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent At Time of Vote: Council Member Burnette.

**SUBJECT: STREET CLOSING - 8,325± SQUARE FEET OF ALLEY (UNNAMED)
WEST OF BROAD STREET (SC99-5)**

MOTION by Council Member Larson seconded by Council Member Miller to adopt a resolution declaring the intent of the City Council to consider permanently closing 8,325± square feet of an alley west of Broad Street and setting a public hearing for Monday, September 20, 1999 to consider permanently closing 8,325± square feet of an alley west of Broad Street was approved at 7:49 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent At Time of Vote: Council Member Burnette.

SUBJECT: URBAN GROWTH AREA (UGA) BOUNDARY

MOTION by Council Member Larson seconded by Council Member Miller to set a public hearing for Monday, September 20, 1999 to hear citizens' comments regarding proposed amendments to the Urban Growth Area Boundary to incorporate the Russell Road Area UGA expansion, the Hamlin Road Area UGA contraction, the Southeast Durham UGA contraction (Option 3) and the minor UGA changes; and

To direct the Administration to initiate active discussion with Orange County regarding appropriate areas in Orange County for Durham City to provide sewer, water and other urban services and for which Durham's UGA would be expanded was approved at 7:49 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent At Time of Vote: Council Member Burnette.

SUBJECT: THE LEBANON TOWNSHIP PLAN

MOTION by Council Member Larson seconded by Council Member Miller to receive a report from the Administration regarding a revised schedule for City Council's consideration of the Lebanon Township Plan until the September meeting of Joint City/County Planning Committee and a community meeting for the discussion of the proposed "Neighborhood Service Areas" was approved at 7:49 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent At Time of Vote: Council Member Burnette.

SUBJECT: INTERIM LICENSE AGREEMENT WITH INTERPATH COMMUNICATIONS

MOTION by Council Member Larson seconded by Council Member Miller to authorize the City Manager to execute an interim license agreement with Interpath Communications, Inc. to install fiber optic cable in designated rights of way; and

To authorize the City Manager to make revisions to the Agreement, provided that such revisions do not substantially decrease the requirements imposed upon Interpath Communications was approved at 7:52 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Engelhard, Griffin, Jacobs, Langley, Larson and Miller. Noes: Council Members Cox and McKissick. Absent At Time of Vote: Council Member Burnette.

SUBJECT: PROPOSED ACQUISITIONS FOR THE ASSET MANAGEMENT OPERATIONS CENTER - 2011 FAY STREET, PROPERTY OF THOMAS BRAME AND BETTY LAWSON HALES AND 2101 FAY STREET, PROPERTY OF DONALD W. WITTEN AND WIFE, BELINA K. WITTEN

MOTION by Council Member Larson seconded by Council Member Miller to approve the acquisition of 1) 2011 Fay Street, Tax Map 219-01-002, property of Thomas Brame and Betty Lawson Hales, with the total of payment being \$70,000 and 2) 2101 Fay Street, Tax Map 219-01-003, property of Donald W. Witten and Wife Belina K.

Witten, with the total of payment being \$63,080 was approved at 7:49 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent At Time of Vote: Council Member Burnette.

SUBJECT: PARTICIPATION IN REGIONAL "FUTURE SEARCH" ON SOLID WASTE MANAGEMENT

MOTION by Council Member Larson seconded by Council Member Miller to adopt "A Resolution Committing the City of Durham Staff and Elected Officials to Participate in a Regional 'Future Search' on Solid Waste Management." (Mayor to designate two City Council Members and City Manager to designate appropriate staff members and three others to participate in a Triangle Solid Waste Future Search [tentatively scheduled for February 23-25, 2000]) was approved at 7:49 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent At Time of Vote: Council Member Burnette.

SUBJECT: CONSTRUCTION CONTRACT FOR RENOVATION OF WALLTOWN AND UNITY VILLAGE PARKS - POLOVICK CONSTRUCTION COMPANY, INC.

MOTION by Council Member Larson seconded by Council Member Miller to authorize the City Manager to enter into a contract with Polovick Construction Company, Inc. in the amount of \$534,000, including a contingency of \$30,000, for the renovation of Walltown and Unity Village Parks was approved at 7:49 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent At Time of Vote: Council Member Burnette.

SUBJECT: RESOLUTION CONCERNING TRAFFIC SIGNALS AT ALSTON AVENUE/TAYLOR STREET, FAYETTEVILLE STREET/ELMIRA AVENUE AND HOPE VALLEY ROAD/SOUTH ROXBORO STREET - NORTH CAROLINA DEPARTMENT OF TRANSPORTATION

To adopt a resolution requesting the North Carolina Department of Transportation to expedite the design work for the traffic signals at Alston Avenue/Taylor Street, Fayetteville Street/Elmira Avenue, and Hope Valley Road/South Roxboro Street.

MOTION by Council Member Larson seconded by Council Member Miller to refer this item back to the Public Works Committee (held in Committee pending completion of the scheduling by NCDOT of the design work for the signals) was approved at 7:49 p.m. by the

following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent At Time of Vote: Council Member Burnette.

SUBJECT: BIDS - ESTIMATED ANNUAL REQUIREMENTS FOR REFUSE AND YARD WASTE COLLECTION CARTS - PLASTIC OMNIUM ZARN, INC.

MOTION by Council Member Larson seconded by Council Member Miller to accept the bid from Plastic Omnium Zarn, Inc. in the amount of \$321,484.80 for providing the City with its estimated annual requirements for refuse and yard waste collection carts; and

To authorize the City Manager to enter into a contract with Plastic Omnium Zarn, Inc. in the amount of \$321,484.80 for providing the City with its estimated annual requirements for refuse and yard waste collection carts; and

To authorize the City Manager to modify the contract before execution provided that modifications do not increase the dollar amount of the contract and the modifications are consistent with the general intent of the existing version of the contract was approved at 7:49 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent At Time of Vote: Council Member Burnette.

SUBJECT: BIDS - UNIFORM RENTAL SERVICE - TEXTILEASE CORPORATION

MOTION by Council Member Larson seconded by Council Member Miller to accept the bid from the Textilease Corporation in the amount of \$66,456.00 for providing the City with uniform rental service for approximately 111 employees for a two-year period; and

To authorize the City Manager to enter into a contract with Textilease Corporation in the amount of \$66,456.00 for providing the City with uniform rental service for approximately 111 employees for a two-year period; and

To authorize the City Manager to modify the contract before execution provided that modifications do not increase the dollar amount of the contract and the modifications are consistent with the general intent of the existing version of the contract was approved at 7:49 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent At Time of Vote: Council Member Burnette.

SUBJECT: TAXICAB DRIVER'S PERMITS

MOTION by Council Member Larson seconded by Council Member Miller to receive a listing from the Taxicab Inspector concerning the issuance of taxicab driver's permits was approved at 7:49 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent At Time of Vote: Council Member Burnette.

The following persons made application for a new taxicab driver's permit.

NAME	COMPANY
Milton Patterson	Safeway
Mohamed E. Ali	AZZA
Chigbo Umerah	Dart
Tejuana Roberson	Manhattan
Mohammed Siddigi	Safeway
Hatin Abdalla	AZZA
Patrick Mitchell	Green's
Anthony Menefee	Star
Yousif Elhussein	AMA
Husan Hasanin	Osman's
Stevie Ikechukwu	Dart
Ali Hajali	Safeway
Derek Omburo	Dart
Elrashid Elareemy	Safeway

The following persons made application for renewal of their taxicab driver's permit.

Curtis Pendergrass	Quality
Jerry Coffin	Coffin's
Hiron Smith	Smitty's
Tony Sampson	Johnny's
Frank Walker	Bama
Larry Dixon	Dixon
Anthony McKnight	Johnny's
Johnny White	Johnny's
James Rowell	Danite II
David Smith	Smith's
James Dixon	Dixon
William Spearman	Mike's
Willie Evans	Evans
Linda Mott	Canaday's
Michael Johnson	Capell's
John Lyon	Lyon's
Robert Edwards	Star
William Carmichael	Bluebird

Pernell Canaday
Jacquelyn Rowell
Herbert Bell
Ernest Johnson
Emmanuel Amedakah
James Gardner

Canaday's
Danite II
Bell's/Star
Star/Johnson's
Express
Sonny's

The following persons made late application for renewal of their taxicab driver's permit.

Harold Dixon
Eric Harris
Ronald Green
Edward Freeman
Mitchell Cade
LaTanya Moore
Doc Evans
Gerhard Konig
Ralph McCoy
Wallace Braswell

Dixon
Dixon/Star
Danite II
Quality
Courtesy
PM
Sandi's
Canaday's
REM
Bluebird

SUBJECT: TAXICAB STANDS - PIEDMONT AVENUE

MOTION by Council Member Larson seconded by Council Member Miller to adopt an ordinance authorizing the installation of two taxicab stands on Piedmont Avenue was approved at 7:49 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent At Time of Vote: Council Member Burnette.

SUBJECT: TWENTY-FIVE MILE PER HOUR SPEED LIMIT - HEATHERWOOD LANE

MOTION by Council Member Larson seconded by Council Member Miller to adopt an ordinance authorizing a speed limit of 25 mph on Heatherwood Lane from South Roxboro Street to the end of City maintenance was approved at 7:49 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent At Time of Vote: Council Member Burnette.

SUBJECT: TWENTY-FIVE MILE PER HOUR SPEED LIMIT - LUCAS DRIVE

MOTION by Council Member Larson seconded by Council Member Miller to adopt an ordinance authorizing a speed limit of 25 mph on Lucas Drive beginning at the west curb line of Booker Avenue, if extended, and extending to the end of City maintenance was approved at 7:49 p.m. by the following vote: Ayes: Mayor

Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent At Time of Vote: Council Member Burnette.

SUBJECT: CONTROLLED PARKING RESIDENTIAL AREA - CAROLINA AVENUE

MOTION by Council Member Larson seconded by Council Member Miller to adopt an ordinance to establish a Controlled Parking Residential Area on both sides of Carolina Avenue between Gin Street and Green Street was approved at 7:49 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent At Time of Vote: Council Member Burnette.

SUBJECT: SETTING PUBLIC HEARINGS FOR THE CONFIRMATION OF CERTAIN ASSESSMENT ROLLS

MOTION by Council Member Larson seconded by Council Member Miller to adopt resolutions setting public hearings for Monday, September 20, 1999 for confirmation of the following assessments rolls was approved at 7:49 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent At Time of Vote: Council Member Burnette.

- a. **Sidewalk - East Main Street (South Side)** from Briggs Avenue east to east property line of Tax Map 152-1-52,
- b. **Sidewalk - Alston Avenue (East Side)** from Liberty Street to Holloway Street,
- c. **Sidewalk - Alston Avenue (East Right of Way)** from existing sidewalk on NC 55 south to Rocky Creek Bridge, and
- d. **Sidewalk - Lawson Street (North Side)** from South Briggs Avenue to Bacon Street.

SUBJECT: SETTING PUBLIC HEARINGS TO CONSIDER ORDERING CERTAIN PETITIONED IMPROVEMENTS

MOTION by Council Member Larson seconded by Council Member Miller to accept a Certificate of Sufficiency from the Manager of Engineering for each of the following petitions; and

To adopt resolutions setting public hearings on Monday, September 20, 1999 to consider ordering the following improvements was

approved at 7:49 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent At Time of Vote: Council Member Burnette.

- a. **Sidewalk - Acadia Street** from north property line of Tax Map 108-5-7 south 66 feet to existing sidewalk, and
- b. **Curb, Gutter and Paving - Dodsworth Court** from Lochn'ora Parkway south to cul-de-sac.

[GENERAL BUSINESS AGENDA]

[PUBLIC HEARINGS]

SUBJECT: ZONING MATTER CASE P99-25, MILLENNIUM PROPERTIES, EAST SIDE OF COOK ROAD, EAST OF TALL OAKS DRIVE, ADJACENT TO AMERICAN TOBACCO TRAIL

Case: P99-25

Applicant: Millennium Properties

Location: 10 acres on east side of Cook Road, east of Tall Oaks Drive, adjacent to American Tobacco Trail and north of Fayetteville Road (Tax Map 518-3-4, 4A, 10, 10A)

Request: Rezoning from PDR 4.6 (Planned Density Residential, 4.6 units per acre) to PDR 4.6--**Change in Development Plan**

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the above described property out of PDR 4.6 and placing same in PDR 4.6 for a change the Development Plan.

Zoning Committee's Recommendation and Vote: Approval (7-0)

City Manager's Recommendation: Approval

Council Member McKissick stated he received a call from the applicant requesting that this rezoning matter be continued until the October 4, 1999 City Council Meeting.

MOTION by Council Member Larson seconded by Council Member Miller to continue the public hearing without further advertising until the October 4, 1999 City Council Meeting was approved at 7:57 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent At Time of Vote: Council Member Burnette.

SUBJECT: ZONING MATTER CASE P99-33, E. T. DEVELOPMENT CORPORATION,

BARBEE ROAD SOUTH OF OBIE DRIVE

Case: P99-33

Applicant: E. T. Development Corporation

Location: 17.28 acre site located on the west side of Barbee Road south of Obie Drive (Tax Map 520, Block 3, Lots 10, 11, 12, 12A, 24)

Request: Rezoning from R-20 (Single Family Residential) (F/J-B) to PDR 3.07 (Planned Density Residential, 3.07 units per acre) (F/J-B)

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the above described property out of R-20 (F/J-B) and placing same in and establishing same as PDR 3.07 (F/J-B)

Zoning Committee's Recommendation and Vote: Approval (4-3)

City Manager's Recommendation: Approval

Mayor Tennyson opened the public hearing.

Proponents

Mr. Larry Thomas, the applicant, noted the plan before the council was the result of a significant amount of hard work on the part of the neighbors and their representatives. Mr. Thomas noted the following changes agreed to by him and the neighbors.

- Increase size and height of berm from 3 feet to 5 feet and increase plantings for better screening along Barbee Road.
- Plant trees along southern border of property to screen next door neighbor.
- Plant trees along western border for screening the house to west of the subdivision.
- Increase size of lots to be similar to Woodlake.
- Reduce the number of lots by 11 from 64 lots to 53 lots (3.02) zoning to match Woodlake.
- Lower number of lots - increase impervious surface per lot - larger houses.
- Agree to use all black or dark gray shingles.
- Brick foundation.
- Hardiplank siding instead of vinyl.

- Majority of houses will have two car garages, others will be one car garages.
- Street barrier for south stub out.
- Driveway turnout beside Andrew Thomas to be aligned with proper boundaries when street work is done on Barbee Road.
- No structures of any kind to be built in open space.

Also, Mr. Thomas stated noted the map shows an easement in order for the rear property to have access to water and sewer. Mr. Thomas asked council to support the rezoning request.

Relative to Mr. Thomas' comments on specifications for the houses, Mayor Tennyson stated the council had to consider all the possible uses.

Andrew Thomas, a resident of Barbee Road, noted the neighbors were in agreement with the rezoning request. Mr. Thomas stated they wanted to make sure the items are a part of the record as stated by the applicant.

City Attorney Blinder informed the council that the particulars of an agreement are not a part of council's legislative decision to make and the agreement needed to be between the applicant and neighbors.

A motion was made by Council Member Larson to approve the rezoning request. This motion was seconded by Council Member Miller.

SUBSTITUTE MOTION by Council Member Blyth seconded by Council Member Cox to continue the public hearing without further advertising until the September 20, 1999 City Council Meeting to allow the applicant and neighbors to come up with an enforceable agreement was approved at 8:21 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: ZONING MATTER CASE P99-34, REAVES & COMPANY, LOCATE AT HILLSBOROUGH ROAD

Case: P99-34

Applicant: Reaves & Company

Location: 4.993-acre site located at Hillsborough Road, identified as Tax Map 761, Block 3, Lot 6

Request: Rezoning from CT (Commercial Trades District) to I-2(D) (Light Industrial District with a Development Plan)

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the above described property out of CT and placing same in and establishing same as I-2(D).

Zoning Committee's Recommendation and Vote: Approval (5-2)

City Manager's Recommendation: Approval

Mayor Tennyson opened the public hearing.

Duane Stewart, representing the applicant, spoke in support of the request.

No one spoke on this matter. The public hearing was declared closed by the Mayor.

MOTION by Council Member Larson seconded by Council Member Miller to adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the above described property out of CT and placing same in and establishing same as I-2(D) was approved at 8:23 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**SUBJECT: RESOLUTION AUTHORIZING THE CITY FIRE DEPARTMENT TO
REGULATE FIREWORKS EXHIBITS**

MOTION by Mayor Pro Tempore Clement seconded by Council Member Larson to adopt a "Resolution Authorizing City Fire Department to Regulate Fireworks Exhibits" was approved at 8:24 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Griffin, Jacobs, Langley, Larson and McKissick. Noes: Council Members Engelhard and Miller. Absent: None.

**SUBJECT: DISCUSSION ON AMENDING CITY COUNCIL'S PROCEDURES FOR
APPOINTING CITIZENS TO BOARDS, COMMITTEES AND COMMISSIONS**

To discuss amending the City Council's Procedures for Appointing Citizens to Boards, Committees and Commissions to allow for appointing alternate members to regular seats under certain conditions.

MOTION by Mayor Pro Tempore Clement seconded by Council Member Jacobs to direct the City Clerk to bring forward to the September 9, 1999 Finance Committee the applications of citizens applying

for the Durham Area Transit Authority (DATA) and the applications of the alternates currently serving on DATA to fill two Regular Member vacant seats was approved at 8:25 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

[ITEMS ADDED TO THE AGENDA]

SUBJECT: RESOLUTIONS MEMORIALIZING SAM REED AND DR. HUGH LECKY

MOTION by Mayor Pro Tempore Clement seconded by Council Member Miller to direct the City Clerk to draft Resolutions Memorializing Sam Reed and Dr. Hugh Lecky was approved at 8:25 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: RESOLUTION TO REVITALIZE THE LAND AND WATER CONSERVATION FUND

MOTION by Council Member Larson seconded by Council Member Miller to adopt a Resolution to Revitalize the Land and Water Conservation Fund was approved at 8:25 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

There being no further business to come before the Council, the meeting was adjourned at 8:26 p.m.

D. Ann Gray, CMC
Deputy City Clerk

Margaret M. Bowers, CMC
City Clerk